

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff, Counter-
Defendant

v.

APPLE, INC.,

Defendant,
Counterclaimant.

Case No. 4:20-CV-05640-YGR

DECLARATION OF CYNTHIA WILLIAMS
IN SUPPORT OF EPIC GAMES, INC.'S
ADMINISTRATIVE MOTION TO SEAL
LIMITED PORTIONS OF THE PARTIES'
TRIAL EXHIBITS AND ANY REFERENCES
AT TRIAL TO THE INFORMATION
SOUGHT TO BE SEALED

I, Cynthia Williams, declare as follows:

1. I am currently the VP Ecosystem Commercial, Gaming at Microsoft Corporation ("Microsoft"). The facts stated in this declaration are based on my own personal knowledge and, if called as a witness, I could and would testify to those facts.

2. In my current role at Microsoft, I am responsible for commercial partnerships that bring gaming content to Xbox. I have been employed with Microsoft since August 2018. Based on my work experience, I am familiar with Microsoft's business strategies, sales data, and licensing practices as it relates to Xbox. Microsoft keeps such information confidential to protect itself and its partners from potential harm.

3. I understand that Epic Games, Inc. ("Epic") has filed an Administrative Motion to Seal portions of PX-2456 (EPIC_0203027), a trial exhibit in the above-captioned legal case. Portions of PX-2456, an email to Epic's board and attached reports, contain Microsoft confidential information. I make this declaration in support of Epic's motion. I further understand that Epic filed a sealed copy of the Excerpts as part of its submission. I have reviewed the Excerpts and explain below why the portions of the sealed Excerpts that are redacted in PX-2456 hereto contain sensitive and highly confidential information that would cause serious harm to Microsoft if publicly released.

4. The sealed portions of the pages PX-2456.1 (EPIC_202030347), PX-2456.9 (EPIC_02030355), and PX-2456.17 (EPIC_02030363) filed under seal contain non-public financial information confidential to Microsoft and would result in harm if publicly disclosed. Microsoft treats the information sensitively, and only discloses it to a select group of individuals on a need-to-know basis. These non-public figures reflect payments made under a non-public negotiated contract and a non-public negotiated licensing agreement with Epic Games. Such information is highly sensitive and commercially valuable to Microsoft's competitors. The highlighted financial figures reveal information related to Microsoft's product and game development strategy for Xbox and gaming. Release of such information is valuable to Microsoft's competitors and could be used to undercut Microsoft's position in the gaming industry. Release of such information could also harm Microsoft's relationships with other business partners.

I declare under the penalty of perjury of the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of May 2021 in Kihei, Hawaii.

/s/ Cynthia Williams
CYNTHIA WILLIAMS

ATTESTATION

I, David P. Chiappetta, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that Cynthia Williams has concurred in the aforementioned filing.

/s/ David P. Chiappetta
David P Chiappetta